

United States District Court  
Southern District of Texas

**ENTERED**

May 02, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

EAZ CHAY JR.,

**Plaintiff,**

**V.**

**JOSE A. MONTIEL, EDGAR  
HERNANDEZ, CITY OF PHARR  
POLICE DEPARTMENT, HIDALGO  
COUNTY, TEXAS, and UTB/TSC,**

## Defendants.

www.pearsoned.com

**Civil Action No. 7:23-CV-00206**

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the April 8, 2025, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Nadia S. Medrano. (Dkt. No. 98). Judge Medrano made findings and conclusions and recommended that this Court deny Plaintiff’s “Motion to Certify [the] Case as Complex Litigation,” (Dkt. No. 67). (Dkt. No. 98 at 1-3).

The Parties were given proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On April 22, 2025, Plaintiff filed six objections to Judge Medrano’s M&R. (Dkt. No. 105). Some objections challenge M&Rs already adopted by this Court or challenge the Court’s Orders adopting those M&Rs. (*See* Dkt. No. 105 at 2) (objecting to Dkt. Nos. 88, 90, 93–94, 96). Plaintiff’s original, timely objections to these M&Rs were considered and overruled by this Court. (*See* Dkt. Nos. 91, 94, 96). The Court declines to reconsider them now.

The remaining objections are difficult to follow. (*See* Dkt. Nos. 90, 91, 94, 96) (noting the same with respect to Plaintiff's previous filings). Liberally construed, Plaintiff raises three main objections. First, he alleges that Judge Medrano failed to review all the evidence submitted before issuing the M&R. (Dkt. No. 105 at 1-2). Second, he argues that the case was improperly decided based on procedural technicalities rather than the merits. (*Id.* at 2). As a result, he objects to the denial of his "Motion to Certify [the] Case as Complex Litigation" and the referral of the case to a magistrate judge. (*Id.*). Plaintiff requests that the Court decline to adopt the M&R and instead hold a hearing on the merits. (*Id.*).

Under 28 U.S.C. § 636(b)(1)(C), the Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the Court's opinion.

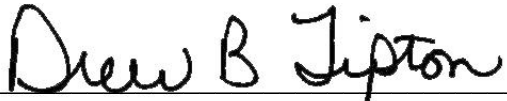
It is therefore ordered that

1. Judge Medrano's M&R, (Dkt. No. 98), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and

2. Plaintiff's "Motion to Certify [the] Case as Complex Litigation," (Dkt. No. 67), is **DENIED**.

It is SO ORDERED.

Signed on May 1, 2025.

  
\_\_\_\_\_  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE